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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,074	04/12/2001	Gary W. Grube	276440-12	2750

7590 06/03/2003
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EXAMINER

ABRAMS, NEIL

ART UNIT PAPER NUMBER

2839

DATE MAILED: 06/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 09/834074 Applicant(s) [Signature]Examiner N. AbramsGroup Art Unit 2839

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

☒ Responsive to communication(s) filed on 4-28-03 (RCE and amdt)

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-12, 14, 15, 17-27, 39-46, 48-66, 68-78, 83, 86-89 is/are pending in the application. 95-103
- ☒ Of the above claim(s) 1-12, 14, 15, 17-27, 39-46, 68-78, 83, 86-89 is/are withdrawn from consideration.
- ☒ Claim(s) 48-66, 78, 83, 86-89, 95-101 is/are allowed.
- ☒ Claim(s) 100 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ _____ are subject to restriction or election requirement

Application Papers

- ☒ The proposed drawing correction, filed on 4-28-03 is ☒ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

Art Unit: 2839

The request for continued examination is acknowledged. A first action follows.

Abstract is overlain, note 150 word limit.

Claims 48-66, 78, 83, 86-89 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. These claims appear to be based on new matter not supported in disclosure as filed.

For claim 48, Fig. 5A contact tip is not disclosed to be "reverse wiped" in papers as filed. For claim 78, no "stop adjustable between different positions" is disclosed in papers as filed. Figs. 9, 10, structures 560, etc are only referred to as pressure appliers not as stops nor are they shown to be used as adjustable stops. See spec discussion of Fig. 9A.

Claims 48-66, 78, 83 and 86-89 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 48, lines 14, 15 seem incorrect. Claim 48 is seen to read only on the fig. 5A embodiment but for this structure the tip 230 appears to wipe in only one direction and not to be "reversely wiped". Nor does the spec refer to such reverse wipe with respect to fig. 6. If limitation is shown to be proper, the terms must be added to the spec. Claim 78 is similarly found unclear and not readable on figs. 9, 10 embodiments.

Art Unit: 2839

Claims 95, 98, 99 and 101 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suejima in view of Fjelstad.

Soejima fig. 1 shows a beam 21 secured by post 122 to a substrate 120. Soejima does not include a compressible protruding member. Fjelstad at 700 shows such a member located under lead 300. It would have been obvious to add such compressible members to the Soejima structure. These would provide added forces on the beams. Claim 101 relates to obvious matter of duplication producing no stated new result.

Claims 95, 98 and 99 are rejected under 35 U.S.C. 102(e) as being anticipated by Fjelstad.

The lead 300, fig. 3A, is read as a beam secured at post 415 to substrate 610. A compressible protruding member 700 is shown. Claim 99 provides no structural distinction over the reference.

Claims 78, 86, 87, 89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fitzgerald.

For claim 78, 86 as best understood, Fitzgerald shows fig. 4, a beam 180 secured at post 181 to substrate 171 and an adjustable pusher (stop device) 186. Claim 87 does not define any structural feature. Claim 89 is an obvious matter of duplication of parts.

Claims 83, 95, 96, 97, 98, 99 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fitzgerald in view of Suzuki.

Art Unit: 2839

For claim 83, Fitzgerald, fig. 4 lacks an elastic fluid tube to actuate the contacts. Suzuki, figs. 8, 10 shows use of such tubes. It would have been obvious to use such tubes in Fitzgerald, fig. 10 in place of motor 186. This change would only be a replacement of one device with its equivalent. Claims 95, 96, 97, 98, 99 also readable on such combination with compressible tube used in place of motor 186.

Applicant's arguments filed with the amendment and pertinent to above rejections have been fully considered but they are not persuasive.

Some arguments are responded to above. Others are ^{moot} ~~not~~ in view of newly applied rejections.

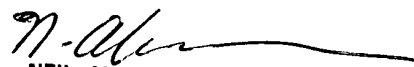
Claims 1-12, 14, 15, 17-27, 39-46, 102, 103, 68-77 are allowed.

Claim 100 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication should be directed to N. Abrams at telephone number 308-1729.

Abrams/ek

05/29/03


NEIL ABRAMS
EXAMINER
ART UNIT 322